IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

WP(C).No. 26892 of 2006(B)

PETITIONERS:

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1. GEORGE KUTTY MATHAI, S/O. MATHAN MATHAI,
THOTTIYIL HOUSE, MANARCAD VILLAGE,
KOTTAYAM DISTRICT.

2. LUCY DEVASIA, D/O. DEVASIA,
ANCHUKANDATHIL HOUSE, ANTHINADU P.O.,
PALAI.

BY ADV. SRI.P.N.KRISHNANKUTTY ACHAN(SR.)
SRI.K.MOHANAKANNAN

RESPONDENTS:

1.MANARCAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
MANARCAD, KOTTAYAM DISTRICT.

2.THE SECRETARY,
MANARCAD GRAMA PANCHAYAT,
MANARCAD, KOTTAYAM DISTRICT.

BY ADV. SRI.MATHEW JOHN (K)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No. 26892 of 2006

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Dated: 21st February, 2007

JUDGMENT

The petitioners prayer that the Panchayat should be directed to issue building permit as applied for in Exts.P3 and P4 cannot be granted in view of the facts disclosed by the counter affidavit and the additional counter affidavit filed on behalf of the Panchayat. It is clear from those counter affidavits that a notification under Section 4(1) of the Land Acquisition Act followed by a declaration under Section 6 of the Act has been promulgated for acquiring petitioners' property. Accordingly, the Writ Petition will stand dismissed. However, it is made clear that this judgment will not stand in the way of the petitioners approaching this court again on any genuine cause of action.

srd **PIUS C.KURIAKOSE, JUDGE**